

1 Teresa M. Corbin (SBN 132360)
Christopher Kelley (SBN 166608)
2 Thomas C. Mavrakakis (SBN 177927)
3 HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue
4 Menlo Park, California 94025
Telephone: (650) 463-8100
5 Facsimile: (650) 463-8400

6 Attorneys for Plaintiff SYNOPSYS, INC.

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 SYNOPSYS, INC.,

12 Plaintiff,

13 v.

14 RICOH COMPANY, LTD.,

15 Defendant.

) Case No. CV 03-02289 MJJ

)

) **PLAINTIFF'S OPPOSITION TO RICOH'S**
) **MOTION TO ADVANCE THE CASE**
) **MANAGEMENT CONFERENCE**

)

) Date: N/A

) Time: N/A

) Ctrm: N/A

)

)

1 **I. INTRODUCTION**

2 Plaintiff Synopsys, Inc. ("Synopsys") hereby opposes defendant Ricoh Company, Ltd.'s
3 ("RicoH") Motion to Advance the Case Management Conference allegedly made pursuant to Local
4 Rule 6-3(a). This opposition is based on the fact that, while Synopsys does not in principle oppose an
5 earlier date for the Initial Case Management Conference in this matter, it should not take place on
6 December 9, 2003, and should take place only *after* the Court has ruled on the Motion to Stay filed by
7 defendants Aeroflex Incorporated ("Aeroflex"), AMI Semiconductor, Inc. ("AMI"), Matrox Electronic
8 Systems Ltd. ("Matrox"), Matrox Graphics Inc. ("Matrox Graphics"), Matrox International Corp.
9 ("Matrox Int'l"), and Matrox Tech, Inc. ("Matrox Tech") (collectively "Customer defendants") in the
10 related action *Ricoh Company, Ltd. v. Aeroflex Inc., et al.*, Case No. CV 03-04669 MJJ. Furthermore,
11 Ricoh failed to properly meet and confer with Synopsys as required by Local Rules 6-3(a)(4)(i) and
12 37-1(a); December 9, 2003 is in fact an inconvenient date for the Initial Case Management in this
13 matter as Synopsys's lead trial counsel is currently not available that date.

14 **II. ARGUMENT**

15 On November 18, 2003, Ricoh moved the Court allegedly pursuant to Local Rule 6-3(a) to
16 advance the date for the Initial Case Management Conference in this matter from February 10, 2004 to
17 December 9, 2003. Ricoh's request should be denied.

18 As explained in the Customer defendants' response to the Motion Advance the Case
19 Management Conference in the related action, Ricoh's request to hold the Case Management
20 Conference on December 9, 2003, the same date the Court hears the Customer defendants' Motion to
21 Stay the related action is inefficient and simply makes no sense. It is only sensible to set the Initial
22 Case Management Conference in this action for a date after the Court has heard and decided the
23 Customer defendants' Motion to Stay, and concurrent with the Initial Case Management Conference in
24 the related *Ricoh Company, Ltd. v. Aeroflex Inc. et al.* action, should one be necessary. This will allow
25 all parties, Synopsys, Ricoh, and the Customer defendants, if necessary, to present a schedule
26 appropriate to the scale of the litigation: for a two party action if the stay motion is granted, and for a
27 multi-party action if both of these related cases proceed apace of each other.

Furthermore, again as explained more fully in the Customer defendants' opposition to Ricoh's motion to advance the case management conference date, Ricoh's motion should be denied for failing to comply with Local Rules 6-3(a)(4)(i) and 37-1(a). Ricoh never met and conferred with Synopsys regarding the date proposed for an earlier case management conference in this action. As with the Customer defendants, Synopsys does not in principle object to an earlier case management conference in this matter. However, Synopsys objects to the proposed date since Synopsys' lead trial counsel is unavailable on December 9, 2003.¹

III. CONCLUSION

For the foregoing reasons, the Court should deny Ricoh's motion to advance the case management conference in this action to December 9, 2003. While Synopsys does not object in principle to a date for the Conference that is earlier than February 10, 2004, the Conference should be held, only after the Court has heard and ruled on the Customer defendants' Motion to Stay in the related *Ricoh v. Aeroflex* action.

Respectfully submitted,

Date: November 20, 2002

/s/ Thomas C. Mavrakakis

Thomas C. Mavrakakis

HOWREY SIMON ARNOLD & WHITE LLP

Attorneys for Plaintiff SYNOPSYS, INC.

¹ Teresa Corbin, lead trial counsel for Synopsys, is unavailable December 9, 2003 and December 16, 2003. See Declaration of Teresa M. Corbin in Opposition to Ricoh's Motion to Advance the Case Management Conference filed in *Ricoh Company, Ltd. v. Aeroflex Inc., et al.*, Case No. CV 03-04669 MJJ, at ¶¶ 2-3 ("Corbin Decl."). It is our understanding that the Court is unavailable December 23, 2003 and December 30, 2003. Ms. Corbin is available January 6, 2004 and January 13, 2004 for the Initial Case Management Conference, should the Court decide to advance the date for the Conference. See *id.* at ¶4.